

United States District Court  
Central District of California

Gerardo Cabanillas,  
Plaintiff(s),

v.

City of South Gate et al.,  
Defendant(s),

Case CV 24-08027-ODW(BFMx)

**SCHEDULING AND CASE  
MANAGEMENT ORDER**

**(JURY TRIAL)**

**FOR CASES ASSIGNED TO JUDGE  
OTIS D. WRIGHT, II**

This Order is to advise the parties and counsel of the schedule that will govern this case. **THE SCHEDULING CONFERENCE IS VACATED. SEE THE LAST PAGE OF THIS ORDER FOR THE SPECIFIED DATES.** These dates and requirements are firm. The Court is unlikely to grant continuances unless the parties establish good cause through a concrete showing. Failure to complete discovery in a timely manner does not constitute good cause, nor does the fact that a settlement

1 conference is pending. Each side is limited to five motions in limine unless the Court  
2 orders otherwise.

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5 **IT IS HEREBY ORDERED:**

6 1. To secure the just, speedy, and inexpensive determination of every action,  
7 all counsel are ordered to familiarize themselves with and follow the Federal Rules of  
8 Civil Procedure and the Local Rules of the Central District of California. This Court  
9 follows these rules and they will govern this litigation unless otherwise provided in this  
10 Order.

11 2. Because this Order in some respects modifies or adds to the Local Rules,  
12 counsel are advised to read it carefully. Counsel are advised to pay particular attention  
13 to the requirements of the Court with respect to the filing of motions for summary  
14 judgment and documents to be submitted at the Final Pretrial Conference and Trial.

15 3. The attorney attending any proceeding before this Court must be an  
16 attorney who is thoroughly knowledgeable about the case, responsible for the conduct  
17 of the litigation, and who has authority to enter into stipulations and to make admissions  
18 regarding all matters that the participants reasonably anticipate may be discussed. Lead  
19 counsel who will actually try the case must attend the Pretrial Conference. A party who  
20 is not represented must attend all proceedings in person.

21 4. **Courtesy Copies:** The Court requires courtesy copies only for Motions  
22 for Summary Judgment, motions necessitating a substantial evidentiary record, and  
23 pretrial documents. **FOR THESE FILINGS ONLY**, the Court requires one mandatory  
24 chambers copy of all related filed documents. USB flash drives should be submitted in  
25 lieu of compact discs. Chambers copies shall be delivered to and placed in the Judge's  
26 courtesy box, located outside of the Clerk's office on the 4th floor. Chambers copies  
27 of under seal documents shall be placed together in a manilla envelope labeled  
28 "UNDER SEAL." **Courtesy copies DO NOT need to be blue-backed. All courtesy**

1 copies of pretrial documents (e.g. witness lists, exhibit lists, pretrial conference  
2 orders, jury instructions, etc.) shall be three-hole punched and placed in a three-  
3 ring binder as described below.

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5 5. **Discovery Cut-Off:** Percipient and expert discovery shall be completed  
6 by the discovery cut-off dates specified on the last page of this Order. **THIS IS NOT**  
7 **THE DATE BY WHICH DISCOVERY REQUESTS MUST BE SERVED; IT IS**  
8 **THE DATE BY WHICH ALL DISCOVERY IS TO BE COMPLETED.**

9 Any motion challenging the adequacy of responses to discovery must be heard  
10 sufficiently in advance of the discovery cut-off date to permit the responses to be  
11 obtained before that date if the motion is granted. In an effort to provide further  
12 guidance to the parties, the Court notes the following:

13 a. **Depositions:** All depositions shall be scheduled to commence  
14 sufficiently in advance of the discovery cut-off date to permit their completion and to  
15 permit the deposing party enough time to bring any discovery motions concerning the  
16 deposition prior to the cut-off date.

17 b. **Written Discovery:** All interrogatories, requests for production of  
18 documents, and requests for admissions shall be served sufficiently in advance of the  
19 discovery cut-off date to permit the discovering party enough time to challenge (via  
20 motion practice) responses deemed to be deficient.

21 c. **Discovery Motions:** Whenever possible, the Court expects the  
22 parties to resolve discovery issues among themselves in a courteous, reasonable, and  
23 professional manner. The Magistrate Judge assigned to this case will rule on discovery  
24 motions. (The Magistrate Judge's initials follow the district judge's initials next to the  
25 case number on the first page of this Order.) Counsel are directed to contact the  
26 Magistrate Judge's courtroom deputy clerk (CRD) to schedule a hearing on any  
27 discovery related matters. Counsel should **NOT** deliver courtesy copies of these  
28 discovery documents to this Court.

1 d. **Expert Discovery**: If expert witnesses are to be called at trial, the  
2 parties shall designate affirmative experts to be called at trial and provide reports  
3 required by Federal Rule of Civil Procedure 26(a)(2)(B) **not later than eight weeks**  
4 **prior to the expert discovery cut-off date**. Rebuttal expert witnesses shall be  
5 designated and reports provided as required by Rule 26(a)(2)(B) **not later than five**  
6 **weeks prior to the expert discovery cut-off date**. Failure to timely comply with  
7 deadlines may result in the expert being excluded as a trial witness.

8 6. **Motions and Motion Cut-Off Date**

9 a. **General Provisions**: All law and motion matters, except for  
10 motions in limine, must be set for hearing (not filing) by the motion cut-off date  
11 specified on the last page of this Order. This Court hears motions in civil matters on  
12 **Mondays at 1:30 p.m.** The parties must adhere to the requirements of the Local Rules.  
13 *See* Local Rules 6-1 & 7-1 *et seq.* If any party does not oppose a motion, that party  
14 shall submit a written statement that it does not oppose the motion in accordance with  
15 Local Rule 7-9. The parties should note that failure to meet the time limits for filing an  
16 opposition set forth in Local Rule 7-9 shall be deemed consent to the granting of the  
17 motion. *See* Local Rule 7-12.

18 The title page of all motions must state the Pretrial Conference date and the Trial  
19 date. **Counsel must comply with Local Rule 7-3**, which requires counsel to engage in  
20 a pre-filing conference seven days in advance of filing any motion, “to discuss  
21 thoroughly . . . the substance of the contemplated motion and any potential resolution.”  
22 Counsel must also comply with Local Rule 11-6, which requires counsel to include a  
23 certificate that the document complies with the type-volume limitation of Local  
24 Rule 11-6.1 and this Court.

25 Issues left undetermined after the passage of the motion cut-off date should be  
26 listed as issues for trial in the Final Pretrial Conference Order. As an exception to the  
27 above, motions in limine dealing with evidentiary matters may be heard pursuant to the  
28 schedule specified on the last page of this Order.

1           b. **Meeting and Conferring:** The Parties are required to meet and  
2 confer with opposing counsel prior to the filing of a motion or ex parte application under  
3 Local Rule 7-3. The Court notes that it is the responsibility of both parties to meet and  
4 confer in good faith on any disputed issues. The Court will impose sanctions, including  
5 monetary sanctions and/or the summary denial of a motion, if *either* party fails to meet  
6 and confer in good faith or fails to reasonably narrow the issues in dispute.

7           c. **Ex Parte Applications:** Ex parte practice is **discouraged**. *See*  
8 *Mission Power Eng'g v Co. v. Continental Cas. Co.*, 883 F. Supp. 488 (C.D. Cal. 1995).  
9 The Court will require strict adherence to proper ex parte procedures for any ex parte  
10 application filed with the Court. *Id.* at 492; *see also* Judge Wright's Standing Order and  
11 Local Rule 7-19. **Any opposition to an ex parte application must be filed within**  
12 **24 hours**. Failure to submit a timely opposition constitutes consent to the granting of  
13 the application. *See* Local Rule 7-12. No party may file a reply unless expressly  
14 authorized by the Court. All ex parte applications will be decided on the papers and  
15 without a hearing unless the Court orders otherwise.

16           d. **Applications and Stipulations to Extend Time:** Applications to  
17 extend the time to file any required document or to continue any hearing, Pretrial  
18 Conference, or Trial date must set forth the following:

- 19           (i) The existing due date or hearing date, as well as the discovery  
20 cut-off date, the Pretrial Conference date, and the Trial date;  
21           (ii) Specific, concrete reasons supporting good cause for granting the  
22 extension; and  
23           (iii) Whether there have been prior requests for extensions, and whether  
24 these requests were granted or denied by the Court.

25           The parties are cautioned that the Court will not necessarily grant an extension or  
26 continuance simply because all parties have stipulated to it.

27           e. **Joinder of Parties and Amendment of Pleadings:** The deadline  
28 for joining parties and amending pleadings is set forth on the last page of this Order.

1 Any motions to join other parties or for leave to amend the pleadings shall be set for  
2 hearing on or before this date. If any party moves to amend a pleading after this date,  
3 they must address the propriety of amendment under *Johnson v. Mammoth Recreations,*  
4 *Inc.*, 975 F.2d 604 (9th Cir. 1992).

5 In addition to the requirements of Local Rule 15-1, all motions to amend the  
6 pleadings shall: (1) state the effect of the amendment; (2) be serially numbered to  
7 differentiate the amendment from previous amendments; and (3) state the page, line  
8 number(s), and wording of any proposed change or addition of material. The parties  
9 shall deliver to Chambers a redlined version of the proposed amended pleading  
10 indicating all additions and deletions of material. The failure to comply with the above  
11 may result in denial of a motion to amend.

12 f. **Summary Judgment Motions:** Parties need not wait until the  
13 motion cutoff to bring motions for summary judgment or partial summary judgment.  
14 Early completion of non-expert discovery and filing of motions for summary judgment  
15 may eliminate or reduce the need for expensive expert depositions that are normally  
16 conducted in the last stages of discovery. **However, the Court requires that the party**  
17 **moving for summary judgment will provide no less than thirty-five (35) days'**  
18 **notice for such motions.** Because summary judgment motions are fact-dependent,  
19 parties should prepare papers in a fashion that will assist the Court in absorbing the  
20 mass of facts (e.g., generous use of tabs, tables of contents, headings, indices, etc.). **The**  
21 **parties are to comply precisely with Local Rule 56-1 through 56-4.** The Court will  
22 also require adherence to the following requirements:

23 (i) **Statement of Uncontroverted Facts and Statement of Genuine Issues**  
24 **of Material Fact**

25 The movant's Separate Statement of Uncontroverted Facts is to be prepared in a  
26 two-column format. The left-hand column should set forth the allegedly undisputed  
27 fact. The right-hand column should set forth the evidence that supports the factual  
28 statement. The factual statements should be set forth in sequentially numbered

1 paragraphs. Each paragraph should contain a narrowly focused statement of fact. Each  
2 numbered paragraph should address a single subject in as concise a manner as possible.

3 The opposing party's Statement of Genuine Issues of Material Fact must be in  
4 two columns and track the movant's Separate Statement exactly as prepared. The  
5 document must be in two columns; the left-hand column must restate the allegedly  
6 undisputed fact, and the right-hand column must indicate either undisputed or disputed.  
7 See Local Rule 56-2. The opposing party may dispute all or only a portion of the  
8 statement, but if disputing only a portion, must clearly indicate what part is being  
9 disputed. Where the opposing party is disputing the fact in whole or part, the opposing  
10 party must, in the right-hand column, label and restate the moving party's evidence in  
11 support of the fact, followed by the opposing party's evidence controverting the fact.  
12 Where the opposing party is disputing the fact on the basis of an evidentiary objection,  
13 the party must cite the evidence alleged to be objectionable and state the ground of the  
14 objection and nothing more. **No argument should be set forth in this document.**

15 The opposing party may submit additional material facts that bear on or relate to  
16 the issues raised by the movant, which shall follow the format described above for the  
17 moving party's Separate Statement. These additional facts shall follow the movant's  
18 facts, shall continue in sequentially numbered paragraphs (i.e., if movant's last  
19 statement of fact was set forth in paragraph 30, then the first additional statement of fact  
20 will be set forth in paragraph 31), and shall set forth in the right-hand column the  
21 evidence that supports that statement.

22 The moving party, in its reply, shall respond to the additional facts in the same  
23 manner and format that the opposing party is required to adhere to in responding to the  
24 Statement of Uncontroverted Facts, as described above. Additional material facts left  
25 unaddressed will be deemed undisputed. See Local Rule 56-4.

26 The Court is not obligated to look any further in the record for supporting  
27 evidence other than what is actually and specifically referenced in the Statement of  
28 Uncontroverted Facts, the Statement of Genuine Disputes of Material Fact, and the



1 Response to Statement of Genuine Disputes. *See* Local Rule 56-4.

2 **The following conduct in connection with a motion for summary judgment**  
3 **shall be grounds for sanctions under Federal Rule of Civil Procedure 11:**  
4 **(1) disputing a material fact without any reasonable basis for doing so;**  
5 **(2) identifying additional facts in opposition to the motion without any reasonable**  
6 **basis for believing that the additional facts will materially affect the outcome of**  
7 **the motion.**

8 (ii) Supporting Evidence

9 No party should submit any evidence other than the specific items of evidence or  
10 testimony necessary to support or controvert a proposed statement of undisputed fact.  
11 Thus, for example, the entire transcripts of depositions and/or entire sets of  
12 interrogatory responses should generally not be submitted in support of or in opposition  
13 to a motion for summary judgment.

14 Evidence submitted in support of or in opposition to a motion for summary  
15 judgment should be submitted either by way of stipulation or as exhibits to a declaration  
16 sufficient to authenticate the proffered evidence, and should not be attached to the  
17 memorandum of points and authorities. The Court will accept counsel's authentication  
18 of deposition transcripts, written discovery responses, and the receipt of documents in  
19 discovery if the fact that the document was in the opponent's possession is of  
20 independent significance. Documentary evidence as to which there is no stipulation  
21 regarding foundation must be accompanied by the testimony, either by declaration or  
22 properly authenticated deposition transcript, of a witness who can establish its  
23 authenticity.

24 **All evidence in support of or in opposition to a motion for summary**  
25 **judgment, including declarations and exhibits to declarations, shall be separated**  
26 **by a tab divider on the bottom of the page.** If evidence in support of or in opposition  
27 to a motion for summary judgment exceeds twenty pages, the evidence must be in a  
28 separately bound volume and include a Table of Contents. If the supporting evidence



1 exceeds fifty pages, the documents shall be placed in a Slant D-Ring binder with each  
2 item of evidence separated by a tab divider on the right side. All documents contained  
3 in the binder should be three-hole-punched. **Alternatively, parties may submit USB**  
4 **flash drives with supporting evidence in portable document format (PDF) files.**  
5 The PDF files must be named in accordance with each exhibit's nomenclature (i.e.,  
6 Ex. A, Ex. B, etc.). If a PDF file contains more than one exhibit, that PDF must include  
7 a Table of Contents and each exhibit must be bookmarked with the exhibit  
8 nomenclature.

9 (iii) Objections to Evidence

10 If a party disputes a fact based in whole or in part on an evidentiary objection,  
11 the ground for the objection, as indicated above, should be stated in the Separate  
12 Statement, but not argued in that document. **Evidentiary objections should be**  
13 **addressed in a separate memorandum** to be filed with the opposition or reply brief  
14 of the party. This memorandum should be organized **to track the paragraph numbers**  
15 **of the Separate Statement in sequence.** It should identify the specific item of evidence  
16 to which objection is made, the ground for the objection, and a very brief argument with  
17 citation to authority as to why the objection is well taken. The following is an example  
18 of the format contemplated by the Court:

19 Separate Statement Paragraph 1: Objection to the supporting deposition  
20 transcript of Jane Smith at 60:1–10 on the grounds that the statement constitutes  
21 inadmissible hearsay and no exception is applicable. To the extent it is offered to prove  
22 her state of mind, it is irrelevant since her state of mind is not in issue. Fed. R. Evid. 801,  
23 802.

24 **DO NOT SUBMIT BLANKET OR BOILERPLATE OBJECTIONS TO**  
25 **THE OPPONENT'S STATEMENTS OF UNDISPUTED FACT. THESE WILL**  
26 **BE DISREGARDED AND OVERRULED.**

27 (iv) Memorandum of Points and Authorities

28 The movant's memorandum of points and authorities should be in the usual form

1 required under Local Rule 7 and should contain a narrative statement of facts as to those  
2 aspects of the case that are before the Court. All facts should be supported with citations  
3 to the paragraph number in the Separate Statement that supports the factual assertion.

4 Unless the case involves some unusual twist, the motion need only contain a brief  
5 statement of the Federal Rule of Civil Procedure 56 standard; the Court is familiar with  
6 the Rule and with its interpretation under *Celotex* and its progeny. If at all possible, the  
7 argument should be organized to focus on the pertinent elements of the claim(s) for  
8 relief or defense(s) in issue, with the purpose of showing the existence or non-existence  
9 of a genuine issue of material fact for trial on that element of the claim or defense.

10 Likewise, the opposition memorandum of points and authorities should be in the  
11 usual form required by Local Rule 7. Where the opposition memorandum sets forth  
12 facts, the memorandum should cite to paragraphs in the Separate Statement if they are  
13 not in dispute, to the evidence that contravenes the fact where the fact is in dispute, or,  
14 if the fact is contravened by an additional fact in the Statement of Genuine Issues of  
15 Material Fact, the citation should be to such fact by paragraph number.

16 g. **Avoid Composite Motions:** Unless clearly justified under the  
17 circumstances of the case, “motions to dismiss or in the alternative for summary  
18 adjudication” are discouraged. These composite motions tend to blur the distinctions  
19 between the two motions.

20 h. **Motions in Limine:** Before filing any motion in limine, counsel for  
21 the parties shall confer pursuant to Local Rule 7-3 in a good faith effort to eliminate the  
22 necessity for hearing the motion in limine or to eliminate as many of the disputes as  
23 possible. It shall be the responsibility of counsel for the moving party to arrange for  
24 this conference. The motion papers must include a declaration showing a good faith  
25 meet and confer effort. The conference shall take place **in person** within 10 calendar  
26 days of service upon opposing counsel of a letter requesting such a conference, but in  
27 no event later than twenty-one days before the Pretrial Conference. The conference  
28 may take place by via video conference call or telephone **only if** both counsel are not

1 located in the same county in the Central District.

2 If counsel are unable to resolve their differences, they shall prepare a separate,  
3 sequentially-numbered Motion in Limine for each issue in dispute which contains a  
4 clear caption that identifies the moving party and the nature of the dispute (i.e.,  
5 “Plaintiff’s Motion in Limine #1 to exclude the testimony of Defendant’s expert”).  
6 **Neither party may file more than five (5) Motions in Limine absent leave of Court**  
7 **upon a showing of good cause, and leave of Court will be granted sparingly.**  
8 **Motions in Limine in excess of a party’s first five will be stricken.** Each Motion in  
9 Limine shall contain a clear identification of the testimony, exhibits, or other specific  
10 matters alleged to be inadmissible and/or prejudicial and a statement of the specific  
11 prejudice that will be suffered by the moving party if the motion is not granted. The  
12 identification of the matters in dispute shall be followed by the moving party’s  
13 contentions and memorandum of points and authorities. The title page of the Motion  
14 in Limine must state the Pretrial Conference date, hearing date for the motions in limine,  
15 and the Trial date.

16 Motions in Limine made for the purpose of precluding the mention or display of  
17 inadmissible and/or prejudicial matter in the presence of the jury shall be accompanied  
18 by a declaration that includes the following: (1) a clear identification of the specific  
19 matter alleged to be inadmissible and/or prejudicial; (2) a representation to the Court  
20 that the subject of the motion in limine has been discussed with opposing counsel, and  
21 that opposing counsel has either indicated that such matter will be mentioned or  
22 displayed in the presence of the jury before it is admitted in evidence or that counsel  
23 has refused to stipulate that such matter will not be mentioned or displayed in the  
24 presence of the jury unless and until it is admitted in evidence; and (3) a statement of  
25 the specific prejudice that will be suffered by the moving party if the motion in limine  
26 is not granted. A motion to bifurcate trial may be filed as a motion in limine.

27 **All evidence in support of or in opposition to a motion in limine, including**  
28 **declarations and exhibits to declarations, shall be separated by a tab divider on**

1 **the bottom of the page.** If evidence in support of or in opposition to a motion in limine  
2 exceeds twenty pages, the evidence must be in a separately bound volume and include  
3 a Table of Contents. Though strongly discouraged, if by necessity the supporting  
4 evidence exceeds fifty pages, the documents shall be placed in a Slant D-Ring binder  
5 with each item of evidence separated by a tab divider on the right side. All documents  
6 contained in the binder should be three-hole-punched. For items not conducive to paper  
7 format, USC drives should be submitted in lieu of compact discs.

8 Unless otherwise ordered by the Court, motions in limine will be heard on the  
9 date specified on the last page of this Order. The moving party shall file with the Court  
10 and serve its Motion in Limine on the responding party on or before the date for filing  
11 of motions in limine indicated in the Schedule of Trial and Pretrial Dates. The  
12 responding party shall then file with the Court and serve an opposition to the Motion in  
13 Limine on the moving party on or before the date specified on the last page of this  
14 Order. **Neither party's submissions with respect to a Motion in Limine shall exceed**  
15 **eight (8) pages. Unless ordered otherwise, the Court will only consider the moving**  
16 **papers and any opposition thereto; no replies are necessary or invited.**

17 i. **Motions for Class Certification:** All motions for class certification  
18 must be filed according to Local Rule 23-3 and on or before the date specified on the  
19 last page of this Order. The Court will rarely grant stipulations or applications to extend  
20 that deadline. Specifically, the failure to complete class discovery before the deadline  
21 does not constitute good cause to extend the deadline, unless the parties show specific  
22 and concrete reasons why, despite their diligence, the failure to complete discovery was  
23 **unavoidable.** The Court will consider extensions based on the ordering of issues (e.g.,  
24 if the defendant seeks to file a dispositive motion before class certification) on a case-  
25 by-case basis. Any stipulations or applications for relief must include a specific date  
26 by which the plaintiff will move for class certification (**the Court will not grant an**  
27 **open-ended extension**).

28 j. **Oral Argument:** The Court, in its discretion, may dispense with

1 oral argument on a motion. Fed. R. Civ. P. 78(b); C.D. Cal. L.R. 7-15. However, the  
2 Court also encourages law firms to contribute to the professional development of new  
3 attorneys by allowing them to present oral argument to the Court on motions. To that  
4 end, if any party to a motion files a notice with the Court stating that an attorney with  
5 **less than four years' experience** will present oral argument, the Court will hold a  
6 hearing on that motion. This notice must be filed no later than **fourteen days** before  
7 the hearing. The Court will take into account the attorney's inexperience when  
8 considering their oral arguments.

9 **7. Final Pretrial Conferences and Local Rule 16 Filings**

10 Please read this portion carefully, as there are some differences between the  
11 Court's requirements and the Local Rules.

12 **a. General Provisions**

13 The Final Pretrial Conference ("PTC") will be held on the date specified on the  
14 last page of this Order, unless the Court expressly waived the PTC at the Scheduling  
15 Conference. (In the rare cases where the Court waives a PTC, the parties must follow  
16 Local Rule 16-10.) If adjustments in the Court's calendar to accommodate congestion  
17 become necessary, the Court may re-schedule the PTC instead of the trial date.  
18 Therefore, the parties should assume that if the PTC goes forward, the trial will go  
19 forward without continuance, although some brief period of trailing may prove  
20 necessary.

21 The lead trial attorney on behalf of each party shall attend both the PTC and all  
22 meetings of the parties in preparation for the PTC, unless excused for good cause shown  
23 in advance of the PTC.

24 A continuance of the PTC at the parties' request or by stipulation is highly  
25 unlikely. **Specifically, failure to complete discovery is not a ground for**  
26 **continuance**. In the unlikely event that the Court agrees to continue the PTC, the trial  
27 date is likely to be delayed as a result. If a change to the trial date is necessitated or  
28 likely because of the Court's calendar or otherwise, modifications of that date will be

1 discussed at the PTC.

2 At the PTC, the parties should be prepared to discuss means of streamlining the  
3 trial, including, but not limited to the following: bifurcation; presentation of  
4 foundational and non-critical testimony and direct testimony by deposition excerpts;  
5 narrative summaries and/or stipulations as to the content of testimony; presentation of  
6 testimony on direct examination by affidavit or by declaration subject to  
7 cross-examination; and qualification of experts by admitted resumes. The Court will  
8 also discuss settlement.

9 b. **Courtesy Copies**

10 The parties must submit courtesy copies of all PTC documents, to be prepared  
11 and delivered to chambers as follows:

12 (i) **One copy** of all PTC documents (i.e., both plaintiff's documents and  
13 defendant's documents) shall be delivered to the Court in **one**  
14 **three-ring binder**;

15 (ii) Each document shall be separated by numerical side-tabs, and shall  
16 be placed in the following order: (1) Proposed Pretrial Conference  
17 Order; (2) Plaintiff's Memorandum and Contentions of Facts and  
18 Law; (3) Defendant's Memorandum and Contentions of Facts and  
19 Law; (4) Joint Witness List; (5) Joint Exhibit List and Stipulation;  
20 (6) Plaintiff's Proposed Verdict Form; (7) Defendant's Proposed  
21 Verdict Form; (8) Joint Proposed Jury Instructions; (9) Plaintiff's  
22 Disputed Jury Instructions; (10) Defendant's Disputed Jury  
23 Instructions; (11) Joint Statement of the Case; (12) Proposed Voir  
24 Dire Questions; (13) Joint Report re: Settlement; and (14) Other  
25 Pretrial documents; and

26 (iii) The binder shall include a Table of Contents.

27 c. **Final Pretrial Conference Order ("PTCO")**

28 The proposed PTCO shall be lodged seven calendar days before the PTC, unless

1 the Court specifically orders otherwise. Adherence to this time requirement is necessary  
2 for in-chambers preparation of the matter. The form of the proposed PTCO shall  
3 comply with **Appendix A to the Local Rules** and the following:

- 4 (i) Place in “**ALL CAPS AND BOLD**” the separately numbered  
5 headings for each category in the PTCO (e.g., “**1. THE PARTIES**”  
6 or “**7. CLAIMS AND DEFENSES OF THE PARTIES**”).
- 7 (ii) Include a Table of Contents at the beginning.
- 8 (iii) In specifying the surviving pleadings under section 1, state which  
9 claims or counterclaims have been dismissed or abandoned, e.g.,  
10 “Plaintiff’s second cause of action for breach of fiduciary duty has  
11 been dismissed.” Also, in multiple party cases where not all claims  
12 or counterclaims will be prosecuted against all remaining parties on  
13 the opposing side, please specify to which party each claim or  
14 counterclaim is directed.
- 15 (iv) In specifying the parties’ claims and defenses under section 7, each  
16 party shall closely follow the examples set forth in Appendix A of  
17 the Local Rules.
- 18 (v) In drafting the PTCO, **the Court expects that the parties will**  
19 **attempt to agree on and set forth as many non-contested facts as**  
20 **possible.** The Court will usually read the uncontested facts to the  
21 jury at the start of trial. A carefully drafted and comprehensively  
22 stated stipulation of facts will reduce the length of trial and increase  
23 jury understanding of the case. **It is unacceptable for the parties**  
24 **to indicate in the Proposed Pretrial Conference Order that they**  
25 **are not able to stipulate to any facts whatever.**
- 26 (vi) In drafting the factual issues in dispute for the PTCO, the parties  
27 should attempt to state issues in ultimate fact form, not in the form  
28 of evidentiary fact issues. The issues of fact should track the



1 elements of a claim or defense on which the jury will be required to  
2 make findings.

3 (vii) Issues of law should state legal issues on which the Court will be  
4 required to rule during the trial, and should not list ultimate fact  
5 issues to be submitted to the trier of fact.

6 (viii) The Court may submit fact issues to the jury in the form of findings  
7 on a special verdict. The issues of fact should track the elements of  
8 a claim or defense on which the jury will be required to make  
9 findings.

10 (ix) If expert witnesses are to be called at trial, each party must list and  
11 identify its respective expert witnesses, both retained and non-  
12 retained. Failure of a party to list and identify an expert witness in  
13 the PTCO could result in a court order which precludes the party  
14 from calling that expert witness at trial.

15 (x) The parties shall submit only ONE proposed PTCO. **It is**  
16 **unacceptable to submit multiple or competing proposed**  
17 **PTCOs.** *See* Local Rule 16-7.

18 d. **Rule 16 Filings; Memoranda; Witness Lists; Exhibit Lists**

19 Unless otherwise indicated, the parties must comply fully with the requirements  
20 of Local Rule 16. See the last page of this Order for applicable dates.

21 Memoranda and Contentions of Fact and Law

22 Memoranda of Contentions of Fact and Law shall be filed by the date listed in  
23 this Scheduling Order, and shall comply with the requirements set forth in Local  
24 Rule 16-4. The parties are strongly encouraged to submit one joint Memorandum where  
25 possible.

26 Joint Witness List

27 Counsel shall prepare a **joint** list of their witnesses, including a brief summary  
28 (two to three paragraphs) of each witness's expected testimony, **what makes the**

1 **testimony unique** from any other witness testimony, **an estimate of the length of time**  
2 needed for direct examination of each side's own witnesses and an estimate for the cross  
3 examination of opposing witnesses, and whether the witness will testify by deposition  
4 or in person. The joint witness list shall be filed at the same time counsel lodge the  
5 PTCO. If a party intends to offer deposition testimony into evidence at trial, the party  
6 shall designate the relevant portions of the deposition testimony to be read at trial and  
7 advise opposing counsel of same. Opposing counsel shall then designate any additional  
8 portions of such deposition testimony which counsel intends to offer in evidence. **All**  
9 **objections to any such designated deposition testimony shall be made in writing**  
10 **and filed at the same time counsel lodge the PTCO** so that the Court may consider  
11 whether ruling on the objections will facilitate trial or result in the disposition of  
12 evidentiary matters that may assist continuing settlement negotiations.

13 If expert witnesses are to be called at trial, each party shall list and identify their  
14 respective expert witnesses. Failure of a party to list and identify an expert witness may  
15 preclude a party from calling that expert witness at trial. If expert witnesses are to be  
16 called at trial, the parties shall exchange at the PTC short narrative statements of the  
17 qualifications of the expert and the testimony expected to be elicited at trial. Previously  
18 prepared and exchanged expert reports shall not substitute for the narrative statements  
19 required.

20 **On the first day of trial, the parties must lodge with the Court three (3)**  
21 **copies of the witness list**, which shall include the names of the witness in the  
22 approximate order in which they may be called to testify.

23 Joint Exhibit List and Exhibit Stipulation

24 The parties shall prepare a joint Pretrial Exhibit Stipulation that shall contain each  
25 party's numbered list of all trial exhibits, with objections, if any, to each exhibit  
26 including the basis of the objection and the offering party's response. All exhibits to  
27 which there is no objection shall be deemed admitted. The parties shall stipulate to the  
28 authenticity of exhibits whenever possible, and the Pretrial Exhibit Stipulation shall

1 identify any exhibits for which authenticity has not been stipulated and the specific  
2 reasons for the parties' failure to stipulate.

3 The Pretrial Exhibit Stipulation shall be substantially in the following form:  
4

5 **Pretrial Exhibit Stipulation**

6 **Plaintiff(s)/Defendant(s)' Exhibits**

7 **Number      Description      If Objection, State Grounds      Response to Objection**  
8

9 The Pretrial Exhibit Stipulation shall be filed at the same time counsel lodge the  
10 proposed PTCO. Failure to comply with this paragraph could be deemed to constitute  
11 a waiver of all objections. However, **do not submit** blanket or boilerplate objections  
12 to the opposing party's exhibits. These will be disregarded and overruled. **NOTE:**  
13 Counsel are instructed not to bring excessive exhibits to trial, but only those exhibits  
14 that are reasonably expected to actually be used.

15 All counsel are to meet not later than ten (10) days before trial and to stipulate so  
16 far as is possible as to authenticity, foundation, waiver of the best evidence rule, and to  
17 those exhibits which may be received into evidence at the start of trial. The exhibits to  
18 be so received will be noted on the copies of the exhibit lists.

19 **On the first day of trial, the parties must lodge with the Court Clerk three**  
20 **(3) copies of the of the final exhibit list.**

21 **Jury Instructions/Special Verdict Forms**

22 The parties shall make every attempt to agree upon the jury instructions before  
23 submitting them to the Court. **It is expected that counsel will agree on the substantial**  
24 **majority of jury instructions.** This is in addition to the standard cautionary and  
25 introductory instructions regarding duties of the jury, the order of the trial, etc. found in  
26 Chapters 1, 2 & 3 of the *9th Circuit Manual of Model Jury Instructions*. The Court  
27 requires little or no assistance in the preparation of these standard instructions.  
28 Counsel's attention should be focused on reaching agreement on the instructions

1 covering the substantive legal issues. It is anticipated that working diligently and  
2 cooperatively counsel will be able to reach agreement on the vast majority of the  
3 substantive instructions. **Judicial involvement will be limited to resolving disputes**  
4 **on only a few instructions on which the parties are unable to agree.**

5 On the date listed in this Scheduling Order, counsel shall file with the Court a  
6 **JOINT** set of jury instructions on which there is agreement. Defendant's counsel has  
7 the burden of preparing the joint set of jury instructions. At the same time, each party  
8 shall file its proposed jury instructions which are objected to by any other party,  
9 accompanied by points and authorities in support of those instructions.

10 When the parties disagree on an instruction, the party opposing the instruction  
11 must attach a short statement (one to two paragraphs) supporting the objection, and the  
12 party submitting the instruction must attach a short reply supporting the instruction.  
13 Each statement should be on a separate page and should follow directly after the  
14 disputed instruction.

15 The parties ultimately must submit one document, or if the parties disagree over  
16 any proposed jury instructions, three documents. The three documents shall consist of:  
17 (1) a set of Joint Proposed Jury Instructions; (2) Plaintiff's Disputed Jury Instructions;  
18 and (3) Defendant's Disputed Jury Instructions. Any disputed Jury Instructions shall  
19 include the reasons supporting and opposing each disputed instruction in the format set  
20 forth in the previous paragraph.

21 **The parties are encouraged to consider whether the Court should give**  
22 **preliminary instructions to the jury on the substantive issues they will be called**  
23 **upon to decide. Should the parties elect to give preliminary instructions, those**  
24 **substantive instructions should be produced to the Court on the first day of trial.**

25 The Court directs counsel to use the instructions from the *Manual of Model Jury*  
26 *Instructions for the Ninth Circuit* where applicable. Where California law is to be  
27 applied and the above instructions are not applicable, the Court prefers counsel to use  
28 the California Jury Instructions in CACI. If none of these sources is applicable, counsel

are directed to use the instructions in Devitt, Blackmar and Wolff, *Federal Jury Practice and Instructions*. Modifications of instructions from the foregoing sources (or any other form instructions) must specifically state the modification made to the original form instruction and the authority supporting the modification. **The Court will consider special jury instructions not derived from these sources only in exceptional circumstances.**

Each requested instruction shall be in the format specified by Local Rule 51-2 and shall be set forth in full; be on a separate page with the caption "COURT'S INSTRUCTION NUMBER \_\_\_\_"; be numbered; cover only one subject or principle of law; not repeat principles of law contained in any other requested instructions; and cite the authority for a source of the requested instruction. In addition to the foregoing, each party shall file with the Courtroom Deputy Clerk (CRD) on the first day of trial a "clean set" of the aforesaid requested duplicate jury instructions. The "clean set" shall not cite the authority for a source of the requested instruction.

An index page shall accompany all jury instructions submitted to the Court. The index page shall indicate the following:

- the number of the instruction;
- a brief title of the instruction;
- the source of the instruction and any relevant case citation; and
- the page number of the instruction.

***EXAMPLE:***

<u>NO.</u>	<u>TITLE</u>	<u>SOURCE</u>	<u>PAGE NO.</u>
5	Evidence for Limited Purpose	9th Cir. 1.5	9

During the trial and again before argument, the Court will meet with counsel and settle the instructions. Strict adherence to time requirements is necessary for the Court to examine the submissions in advance so that there will be no delay in starting the jury

1 trial, or the final instructions to the jury and the closing arguments of counsel. **Failure**  
2 **of counsel to strictly follow the provisions of this section may subject the**  
3 **non-complying party and/or its attorney to sanctions and SHALL CONSTITUTE**  
4 **A WAIVER OF JURY TRIAL in all civil cases.**

5 Joint Statement of the Case and Requests for Voir Dire

6 At the PTC, the parties shall file their proposed voir dire questions and their joint  
7 Statement of the Case which the Court will read to all prospective jurors prior to the  
8 commencement of voir dire. The statement should not be longer than two or three  
9 paragraphs, and should not contain any argument nor an excessive amount of  
10 information. The Statement of the Case is merely to advise the prospective jurors of  
11 the general nature of the case, i.e. securities law violations, bank robbery, copyright  
12 infringement, etc.

13 The Court conducts voir dire of all prospective jurors. The parties need not  
14 submit requests for standard voir dire questions such as education, current occupations,  
15 marital status, prior jury service, etc., but should include only proposed questions  
16 specifically tailored to the parties and issues of the case.

17 **e. First Day of Trial**

18 Trial Exhibits

19 Counsel must deliver two sets of exhibits to the Court Clerk (one for witnesses  
20 and one for the Judge) on the morning of the first day of trial as follows:

21 (i) Judge's Copy: Counsel are to prepare the Judge's copy of the  
22 exhibits by placing them in 3-ring binders. The holes are to be 3/8"  
23 in diameter. The notebooks are to be tabbed down the right side  
24 with numeric tabs separating each exhibit.

25 (ii) Witnesses' Copy: Counsel are to prepare the Witnesses' copy of the  
26 exhibits by placing each exhibit in its own separate manilla folder.  
27 Each manilla folder should have a tab on the right side with the  
28 exhibit number written on it. The manilla folders should be put in a

1 box in numerical order, with the tabs facing upward. The exhibits  
2 used in this folder should be the original exhibits, and should be  
3 tagged with Court-approved tags. Court-approved exhibit tags can  
4 be obtained from the window on the 4th Floor of the U.S.  
5 Courthouse, Los Angeles, CA 90012.

6 The exhibits are to be numbered sequentially, with Plaintiff's exhibits numbered  
7 1, 2, 3, etc. and Defendant's exhibits numbered 1000, 1001, 1002, etc. Exhibit  
8 numbering must further comply with Local Rule 26-3.

9 Deposition Transcripts

10 The complete original transcript of any depositions to be used at trial shall be  
11 lodged with the Court on the first day of trial.

12 First Day of Trial

13 The Court requires that the following be submitted to the Courtroom Deputy  
14 Clerk on the first day of trial (which is **in addition to any other documents** referenced  
15 above):

- 16 (i) Judge's copy of exhibits (as described above).
- 17 (ii) Witnesses' copy of exhibits (as described above).
- 18 (iii) Any preliminary instructions the parties have agreed may be read to  
19 the jury before the presentation of evidence.
- 20 (iv) Three (3) copies of the exhibit list.
- 21 (v) Three (3) copies of the witness list, which shall include the names  
22 of the witness in the approximate order in which they may be called  
23 to testify.

24 All counsel are to meet not later than ten (10) days before trial and to stipulate so  
25 far as possible as to foundation, waiver of the best evidence rule, and to those exhibits  
26 which may be received into evidence at the start of trial. The exhibits so received will  
27 be noted on the copies of the exhibit lists.

28 **Any items that have not been admitted into evidence and are left in the**



1 **courtroom overnight without prior approval will be discarded.**

2 ///

3 Real-Time Reporting Requirement

4 Each party must file with the Court, at the same time counsel lodges the PTCO,  
5 a document for the Court Reporter that contains proper names, unusual or scientific  
6 terms, or any other foreign or uncommon words that are likely to be used by the parties  
7 during the PTC and the Trial.

8 **8. Settlement**

9 This Court will not conduct settlement conferences in non-jury cases unless  
10 counsel for all parties and their respective clients agree either in writing or on the record.  
11 In jury cases, the Court will conduct a settlement conference at the parties' joint request  
12 if three conditions exist:

- 13 (a) The parties are satisfied that the fact issues in the case will be tried  
14 by a jury;
- 15 (b) All significant pre-trial rulings which the Court must make have  
16 been made; and
- 17 (c) The parties desire the Court to conduct the conference,  
18 understanding that if settlement fails, the Court will preside over  
19 trial of the case.

20 The parties must file a Status Report regarding settlement at the time they lodge  
21 the proposed PTCO. This Report shall not disclose the parties' settlement positions,  
22 i.e. the terms of any offers or demands. It shall merely describe the efforts made by the  
23 parties to resolve the dispute informally, i.e. the occasions and dates when the parties  
24 participated in mediation or settlement conferences. The Status Report shall also  
25 include the name and phone number of the Settlement Officer who assisted the parties  
26 with their settlement conference.

27 **Caveat: If counsel fail to file the required Pretrial documents or fail to**  
28 **appear at the Pretrial Conference and such failure is not otherwise satisfactorily**

1 explained to the Court: (a) the cause shall stand dismissed for failure to prosecute  
2 if such failure occurs on the part of the plaintiff; (b) default judgment shall be  
3 entered if such failure occurs on the part of the defendant; or (c) the Court may  
4 take such action as it deems appropriate.

5  
6 **IT IS SO ORDERED.**

7  
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9  
10 March 11, 2025

  
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11 **OTIS D. WRIGHT, II**  
12 **UNITED STATES DISTRICT JUDGE**  
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U.S. District Judge Otis D. Wright, II  
Schedule of Trial and Pretrial Dates

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<b>CASE NO.:</b>	<b>CV</b>	<b>24-8027</b>
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**PARTIES:** Cabanillas  
-v-  
City of South Gate et al.

**COMPLAINT FILED:** 02/14/25

**Estimated Length of Trial:** 15 days

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**TRIAL TYPE:** Jury

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**SETTLEMENT CHOICE:**

Magistrate Judge  
Court Mediation Panel  
Outside ADR

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<b>DATE</b>	<b>MATTER</b>
09/08/26	Trial at 9:00 a.m.
09/03/26	<u>Deadline to File:</u> Final Trial Exhibit Stipulation
08/31/26	Hearing on Motions in Limine at 1:30 p.m.
08/19/26	<u>Deadline to File:</u> Oppositions to Motions in Limine
08/17/26	Final Pretrial Conference at 1:30 p.m.
08/12/26	<u>Deadline to File:</u> Motions in Limine (not to exceed 8 pages)
08/10/26	<u>Deadline to File:</u> Proposed Pretrial Conference Order Memoranda and Contentions of Fact and Law Joint Witness List Joint Exhibit List and Exhibit Stipulation Proposed Verdict Form(s) Proposed Jury Instructions / Disputed Jury Instructions Proposed Voir Dire Questions Joint Statement of the Case Joint Status Report re: Settlement
06/01/26	Deadline for Hearing Motions*
05/25/26	Deadline to Conduct Settlement Conference
05/04/26	Expert Discovery Cutoff
04/13/26	Percipient/Fact Discovery Cutoff
07/28/25	Deadline to Hear Motion to Amend Pleadings or Add Parties (must comply with FRCP 15(a)(2))

\* This does not apply to motions for class certification, which must be filed within 120 days after the date set for the Scheduling Conference, unless otherwise ordered by the Court.